



## PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Agriculture

- ☒ Preproposal Statement of Inquiry was filed as WSR 08-16-113 ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject)

Milk and Milk Products Chapter 16-101 WAC, adopts documents covering requirements for the cooperative interstate milk shippers program.

Hearing location(s):  
Washington State Department of Agriculture  
Natural Resource Building  
Conference Room 259, 2<sup>nd</sup> Floor  
1111 Washington Street  
Olympia, WA 98504-2560

Submit written comments to:

Teresa Norman  
Address: PO Box 42560  
Olympia, WA 98504-2560  
e-mail [WSDARulesComments@agr.wa.gov](mailto:WSDARulesComments@agr.wa.gov)  
fax (360) 902-2092 by Friday, November 7th, 2008 5:00 p.m.

Date: Thursday, November 6th, 2008 Time: 1:30 p.m.

Assistance for persons with disabilities: Contact

WSDA Receptionist by October 31, 2008Date of intended adoption: 12/01/2008

(Note: This is NOT the effective date)

TTY (800) 833-6388 or 711

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The Washington State Department of Agriculture is proposing to adopt, in accordance with RCW 15.36.021, the 2007 Revision of the Grade A Pasteurized Milk Ordinance (PMO), the 2007 Revision of the Methods of Making Sanitation Ratings of Milk Shippers, the 2007 revision of the Procedures Governing the Cooperative State Conference on Interstate Milk Shippers, and the 2005 Revision of the Evaluation of Milk Laboratories. Adoption of the latest revisions will ensure that the milk and milk products produced in this state meet the latest standards and will assist in continued acceptance of Washington State milk and milk products shipped to other states.

In addition, to writing the rules in a clear and readable format, the proposed amendments will specifically:

- Replace WAC 16-101-700 with New Section WAC 16-101-701. The proposed new section adopts the 2007 Revision of the PMO and updates exceptions to the PMO (those portions that conflict with Washington State law).
- Repeal WAC 16-101-705 - The Dry Milk Ordinance (DMO) is now consolidated into the 2007 Revision of the PMO,
- Repeal WAC 16-101-711 - The Fabrication of Single Service Containers and Closures for Milk and Milk Products is now covered under Appendix J of the 2007 Revision of the PMO, and
- Replace WAC 16-101-990 with New Section WAC 16-101-731. This section is moved within the chapter in order to directly follow the related sections.

Statutory authority for adoption: RCW 15.36.21

Statute being implemented: RCW 15.36

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

DATE

September 29, 2008

NAME (type or print)

Jerry Buendel

SIGNATURE

TITLE

Assistant Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 29, 2008

TIME: 2:20 PM

WSR 08-20-093

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

The Public Health Service/Food and Drug Administration's recommended Grade A PMO is an ordinance to regulate the production, transportation, processing, handling, sampling, examination, labeling, and sale of Grade "A" milk and milk products including buttermilk and buttermilk products and condensed and dry milk products. It is the basic standard used in the voluntary Cooperative State-PHS/FDA Program for the Certification of Interstate Milk Shipments, a program participated in by all fifty (50) States, the District of Columbia and U.S. Trust Territories. The National Conference on Interstate Milk Shipments (NCIMS) in accordance with the Memorandum of Understanding with the Food and Drug Administration. recommends at its biennial conference changes and modifications to the Grade "A" PMO. The ordinances are the requirements to participate in this program.

**Name of proponent:** (person or organization) Washington State Department of Agriculture

- ☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Claudia Coles	PO Box 42560, Olympia, WA 98504-2560	(360) 902-1905
Implementation.... Claudia Coles	PO Box 42560, Olympia, WA 98504-2560	(360) 902-1905
Enforcement..... Claudia Coles	PO Box 42560, Olympia, WA 98504-2560	(360) 902-1905

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

Chapter 19.85 RCW does not apply to the adoption of a rule(s) described in RCW 34.05.310(4)(c) and (e).

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain: A cost-benefit analysis is not required. The department of agriculture is not a named agency in

RCW 34.05.328 (5)(a)(i).